



Bay Area Infrastructure Financing Authority
101 8th St., Oakland, CA 94607
TEL 510.817.5700
EMAIL info@mtc.ca.gov
WEB www.mtc.ca.gov

Memorandum

TO: BAIFA

DATE: May 10, 2013

FR: Executive Director

W. I. 1236

RE: BAIFA Resolution No. 5 – Authorization to Request Regional Measure 2 Funds for Regional Express Lane Network

Staff recommends BAIFA approve Resolution No. 5. This resolution authorizes staff to submit an Initial Project Report (IPR) to MTC to request an allocation of \$4.8 million of Regional Measure 2 (RM2) funds for environmental and other studies for conversion of the I-80 HOV lanes in Alameda and Contra Costa counties to express lanes.

Background

At its April 24, 2013 meeting, MTC approved an amendment to the RM2 Program to redirect \$12.8 million in savings from the I-80 Eastbound High-Occupancy Vehicle (HOV) lane project in Contra Costa County to other projects in the same bridge corridor. One of the projects is \$4.8 million for the Regional Express Lane Network. The RM2 funds will be used to perform environmental and other studies for conversion of the I-80 HOV lanes in Alameda and Contra Costa counties. Submittal of an IPR is a necessary step in the allocation process. Staff anticipates MTC will allocate funds at its June 26, 2013 meeting, and staff will return to BAIFA after the August break for authority to enter into a contract for this work.

A blue ink signature, appearing to read "Steve Heminger", is written over a horizontal line.

Steve Heminger

SH:PG

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Date: May 22, 2013
W.I.: 1236

ABSTRACT

BAIFA Resolution No. 5

This resolution authorizes staff to submit an Initial Project Report (IPR) to MTC to request an allocation of \$4.8 million of Regional Measure 2 (RM2) funds for environmental and other studies for conversion of the I-80 HOV lanes in Alameda and Contra Costa counties (RM Project #38).

Discussion of this action is contained in the Executive Director's Memorandum to BAIFA, dated May 10, 2013.

Date: May 22, 2013
W.I.: 1236
Referred by: BAIFA

Re: Authorization to Request Regional Measure 2 funds for Regional Express Lane Network

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
RESOLUTION NO. 5

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

WHEREAS, Regional Measure 2 establishes the Regional Traffic Relief Plan and lists specific capital projects and programs and transit operating assistance eligible to receive Regional Measure 2 funding as identified in California Streets and Highways Code (SHC) Section 30914(c) and (d); and

WHEREAS, if a program or project identified in SHC 30914 (c) realizes cost savings after completion, SHC Section 30914(f) authorizes MTC to reassign some or all of the funds to another program or project; and

WHEREAS, the I-80 Eastbound High-Occupancy Vehicle (HOV) Lane Extension Project identified in SHC Section 30914(c) (8) had cost savings after completion; and

WHEREAS, under SHC Section 30914(f) and MTC Resolution No. 3801, Revised, MTC redirected savings from the I-80 Eastbound HOV Lane Extension Project to the Regional Express Lanes Network, naming MTC as Project Sponsor, subject to delegation to the Bay Area Infrastructure Financing Authority (BAIFA); and

WHEREAS, MTC has formally delegated its responsibility as Project Sponsor of the Regional Express Lanes Network to BAIFA; and

WHEREAS, BAIFA is therefore an eligible sponsor of transportation project(s) in the Regional Measure 2, Regional Traffic Relief Plan; and

WHEREAS, the Regional Measure 2 allocation request, in the Initial Project Report (“IPR”) and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which BAIFA is requesting that MTC allocate Regional Measure 2 funds; now, therefore, be it

RESOLVED, that BAIFA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission’s Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

RESOLVED, that BAIFA certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

RESOLVED, that BAIFA certifies that the project phase or segment to be funded with Regional Measure 2 funds is fully funded; and be it further

RESOLVED, that BAIFA approves the IPR, as described in the attached IPR Summary (“Summary”) as Attachment A, attached hereto and incorporated herein as though set forth at length; and be it further

RESOLVED, that BAIFA approves the cash flow plan described in the IPR; and be it further

RESOLVED, that BAIFA has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the IPR; and, be it further

RESOLVED, that BAIFA is an eligible sponsor of project(s) in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(f) and MTC Resolution No. 3801, Revised; and be it further

RESOLVED, that BAIFA is authorized to submit an application for Regional Measure 2 funds for Regional Express Lane Network in accordance with California Streets and Highways Code 30914(f) and MTC Resolution No. 3801, Revised; and be it further

RESOLVED, that BAIFA certifies that the project and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it further

RESOLVED, that there is no legal impediment to BAIFA making allocation requests for Regional Measure 2 funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of BAIFA to deliver such project; and be it further

RESOLVED, that BAIFA indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of BAIFA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

RESOLVED, that BAIFA shall, if any revenues or profits from any non-governmental use of property (or project) are earned, use said revenues or profits exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

RESOLVED, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it further

RESOLVED, that BAIFA shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

RESOLVED, that BAIFA authorizes its Executive Director or his/her designee to execute and submit an allocation request for the environmental phase with MTC for Regional Measure 2 funds in the amount of \$4,825,455, for the project, purposes and amounts included in the project application on file in the offices of MTC; and be it further

RESOLVED, that the Executive Director or his/her designee is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate; and be it further

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the BAIFA application referenced herein.

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY

Amy Rein Worth, Chair

The above resolution was entered into by the
Bay Area Infrastructure Financing Authority
At a regular meeting of the Authority held in
Oakland, California on May 22, 2013.

Date: May 22, 2013
W.I.: 1236
Referred by: BAIFA

Attachment A
BAIFA Resolution No. 5
Page 1 of 2

**Regional Express Lane Network (RM2 Project #38.1)
I-80 Express Lane Project in Alameda and Contra Costa
Initial Project Report Summary – May 8, 2013**

Project Description

The Regional Express Lane Network will convert existing High-Occupancy Vehicle (HOV) lanes to express lanes and build new express lanes to fill gaps in the system, moving the Bay Area toward a seamless express lane network. Project goals include increasing connectivity by closing gaps and completing the region's HOV system, improving efficiency by optimizing use of freeway capacity, and improving reliability and choice by offering a congestion-free travel option. These benefits will accrue to carpoolers and express bus operators, both of which are heavy users of the existing HOV system, as well as to non-HOV users. This proposed Regional Express Lane Network project will fund operational, engineering, environmental or other studies associated with converting the existing eastbound and westbound High-Occupancy Vehicle (HOV) lanes on I-80 in Alameda and Contra Costa counties to express lanes.

Current Allocation Request

Amount Requested	Phase Requested
\$4,825,455	ENV/PE/PA&ED

Project Segment Schedule

I-80 Express Lane Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Studies, Preliminary Engineering (ENV/PE/PA&ED)	Sep 2013	Sep 2015
Final Design – Plans, Specifications & Estimates (PS&E) (includes 3 months to Advertise & Award)	Mar 2015	Dec 2016
Right-of-Way Activities/Acquisition (R/W)	Sep 2015	Jun 2016
Construction / Acquisition / Operating Service (CON)	Dec 2016	Oct 2017

Project Segment Budget

I-80 Express Lane Phase	Total Amount (1,000s Escalated)
Environmental Studies & Preliminary Eng (ENV/PE/PA&ED)	\$6,000
Final Design – Plans, Specifications & Estimates (PS&E)	\$12,000
Right-of-Way Activities/Acquisition (R/W)	\$2,000
Construction / Acquisition / Operating Service (CON)	\$50,000
Total Project Budget (in thousands)	\$70,000